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10/764,470	01/27/2004	Noriko Sugimoto	2004_0109A	9151
513 7590 04/14/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
COPPOLA, JACOB C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,470

Applicant(s)

SUGIMOTO ET AL.

Examiner

JACOB C. COPPOLA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 29 February 2008.
2. Claims 15-21 have been added.
3. Claims 1-14 have been canceled.
4. Claims 15-21 are currently pending and have been examined.

Response to Arguments

5. Applicant's arguments (see page 8) with respect to claims 1-14 have been fully considered and are persuasive. The objections and/or rejections of claims 1 through 14 have been withdrawn.
6. With regard to claims 15-21, the Applicants' arguments as set forth on pages 9-11 are considered moot, in view of the new grounds of rejection, necessitated by the Applicants' cancellation of the entire original claim set.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. 6,141,483 A) ("Yamada"), in view of Yoshii et al. (U.S. 2003/0090711 A1) ("Yoshii"), now U.S. Patent No. 7,239,417 B2.

10. **As per Claim 15.** Yamada discloses a *playback apparatus for playing back an optical disc* (see column 3, lines 40-49: "reproducing apparatus"). Yamada, further, discloses a *judging unit operable to judge whether a disc region code* ("medium region code") *assigned to an optical disc matches an apparatus region code assigned to the playback apparatus* (see at least column 3, lines 57-61), and a *reading unit operable to read a content identifier of content recorded on the optical disc* (see at least column 10, lines 16-17: "recorded data is read from the recording medium by an optical pickup"), and a *playback unit operable to, (i) play back the content when the judging unit judges that the disc region code matches the apparatus region code* (see Figure 6 and associated text - column 9, lines 36-39) *and, (ii) unless an exceptional playback is authorized* (see at least column 10, lines 1-15), *not play back the content when the judging unit judges that the disc region code does not match the apparatus region code* (see Figure 6 and associated text - column 9, lines 36-39), *wherein the exceptional playback is authorized when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of the rights of the content* (see at least column 10, lines 1-15).

Yamada does not specifically disclose a *secondary recording medium including a disc corresponding region (i) that corresponds to the optical disc and (ii) has additional data recorded thereon*

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which corresponds to the optical disc, and wherein the exceptional playback is a playback of a virtual package created by combining at least some of the content recorded on the optical disc and at least some of the addition data from the disc corresponding region of the secondary recording medium that corresponds to the optical disc.

Yoshii, however, in ¶ [0010] discloses, "a first distribution means for distributing digital image data, a second distribution means for distributing secondary data prepared in accordance with the digital image data". Additionally, Yoshii in ¶ [0011] discloses "the secondary data is reproduced synchronously with the digital image data" (i.e., "a virtual package"). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the secondary recording medium and integrated virtual package, disclosed by Yoshii, with the conditional playback apparatus and optical disk disclosed by Yamada. One would have been motivated to do so because this would allow authorized persons to view the optical disc with subtitles and advertisements in the language of their choice (see Yoshii, ¶ [0025]).

11. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada/Yoshii, in further view of Official Notice.

12. As per claim 16, the combination of Yamada and Yoshii disclose the limitations of claim 15, as described above. Yamada/Yoshii, further, disclose *the content includes playlist information, the playlist information is information including one or more pairs of start time information and end time information in a playback time axis of the AV stream, each pair of start time information and end time information defining a playback section* (see Yoshii, ¶ [0011]: "a reproduction start point and a reproduction end point correspond to an image frame-specific code for specifying an image frame of the digital image data"), and *the content includes a dynamic scenario, the dynamic scenario is a program that causes the playback apparatus to play back the playlist information* (see Yoshii, ¶ [0011]: "such that the second reproduction means leads out the reproduction start point and the reproduction end point corresponding to the image frame to be reproduced during the reproduction of the digital image data"), and *the additional data* (see

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Yoshii, ¶ [0016]: "secondary data") *is any of the AV stream* (see Yoshii, ¶ [0015]: "subtitles"), *the playlist information, and the dynamic scenario supplied to the playback apparatus via a network* (see ¶ [0016]: "the server and the user terminal being connected [to] each other through [the] Internet"), *and the playback of the virtual package includes (i) a playback of one of an additional audio stream and an additional subtitle stream that are not recorded on the optical disc* (see Yoshii, ¶ [0015]: "as the secondary data, multimedia such as character, sound, and image can be treated"), *and (ii) a playback of a playback section of the AV stream that is different from the playback section defined by the playlist information of the optical disc* (see Figures 3 and 4 – showing the "virtual package" containing different data collectively than that of "digital image data 11" (i.e., optical disc)). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to design a content rendering apparatus, as disclosed by Yamada, to include the ability to render the same data-structure as the rendering apparatus disclosed by Yoshii. One would have been motivated to do so because this would generate higher revenue sales of the apparatus for providing, by design, additional venues for the apparatus to be utilized in.

Yamada/Yoshii does not explicitly disclose *the content includes an AV stream, the AV stream is a stream obtained by multiplexing a video stream, an audio stream, and a subtitle stream*. However, Examiner takes Official Notice that content in the form of an AV stream containing video, audio, and subtitle streams is old and well-known. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to design a content rendering apparatus, as disclosed by Yamada/Yoshii, to include the ability to render this well known data structure. One would have been motivated to do so because this would allow the device to play current DVD formats.

Regarding the limitations of claim 16, Examiner respectfully points out that these limitations are directed towards the structure of the content to be played back and hence the limitations do not appear to further limit the structure of the playback apparatus of claim 15. For the purposes of this examination and in the spirit of "compact prosecution", the Examiner has shown where, in the references, these limitations are taught.

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13. **As per claim 17**, the combination of Yamada and Yoshii disclose the limitations of claim 16, as described above. Yamada, further, discloses *a playback authorization setting that indicates which playback of the video stream, the audio stream, and the subtitle stream is authorized or not* (see column 10, lines 1-15: "coincident password"). Yamada, does not specifically disclose *playlist information or the virtual package includes a playback authorization setting that is different from the playback authorization setting defined by the playlist information of the optical disc*. Yoshii, however, in Figure 4 discloses playlist information in the form of "Digital Frame-Specific Code" for the "Digital Image Data 11" (i.e., the optical disk). Additionally, Yoshii in Figure 4 discloses playlist information for the "virtual package" in the form of "Reproduction Start Point 32" and "Reproduction End Point 33" that provides the structure for combining the "Digital Image Data 11" with the "Secondary Data 12". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to assign a unique playback authorization setting, as disclosed by Yamada, with the each of the playlist information disclosed by Yoshii. One would have been motivated to do so because this would limit additional "secondary data" to only those that are authorized.

14. **As per claim 18**, the combination of Yamada/Yoshii/Official Notice discloses the limitations of claim 17 as described above. Yamada, further, discloses *further comprising a transmitting unit operable to transmit an authorization request to a server apparatus, the authorization request indicating the combination of the content identifier read by the reading unit ("requested data contents") and the apparatus region code ("region code designating the place where the PC is installed"), wherein when the predetermined condition is satisfied, the server apparatus transmits an authorization response in reply to the authorization request ("when region codes coincide with each other, the control unit 93 confirms the IP address of the PC or EWS 95 on the client side contained in the packet of a communication protocol upon reception of a data supply request. After determining the authenticity of the region code, the control unit 93 permits data transfer"), and wherein, when the predetermined condition is not satisfied, the server apparatus transmits a non-authorization response* (see at least column 22, lines 37-56 and FIG. 26 with associated text).

15. **As per claim 19**, the combination of Yamada/Yoshii/Official Notice discloses the limitations of claim 18 as described above. Yamada, further, discloses *the server apparatus includes a playback authorization list including combinations of a content identifier and a region code, each combination indicating that a content identified by a respective content identifier is allowed to be played back in a region identified by a respective region code; and the predetermined condition is satisfied when the playback authorization list of the server includes the combination of the content identifier and the apparatus region code indicated by the authorization request transmitted by the transmitting unit* (see at least column 22, lines 37-56 and FIG. 26 with associated text).

16. **As per claim 20**, the combination of Yamada/Yoshii/Official Notice discloses the limitations of claim 19 as described above. Yamada, further, discloses *the server apparatus includes a plurality of pieces of date/time information ("copyright use valid time data"), each piece of date/time information indicating, for a corresponding combination of a content identifier and a region code, a release date/time of a content identified by the content identifier for a region identified by the region code of the corresponding combination; the authorization request transmitted from the transmitting unit to the server apparatus~ includes a combination of (i) a current time in a region to which the playback apparatus belongs, (ii) the content identifier of the content to be played back, and (iii) the apparatus region code; and the predetermined condition is satisfied when the current time included in the authorization request is past the release date/time indicated in a piece of date/time information for a corresponding combination of the content identifier and the region code that is the same as the combination of the content identifier and the region code included in the authorization request* (see at least column 20, lines 63-67 and column 21, lines 1-22).

17. **As per claim 21**, the combination of Yamada/Yoshii/Official Notice discloses the limitations of claim 20 as described above. Yamada, further, discloses *the server apparatus includes a plurality of pieces of distributor information, each piece of distribution information indicating, for a corresponding combination of a content identifier and a region code, a distributor for a region identified by the region*

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code of the corresponding combination; the authorization request transmitted from the transmitting unit to the server apparatus includes a combination of (i) the content identifier of the content to be played back, (ii) the apparatus region code, and (iii) the disc region code; and the predetermined condition is satisfied when a distributor indicated in a first piece of distributor information matches a distributor indicated in a second piece of distribution information, the first piece of distributor information indicating a distributor for a corresponding combination of the content identifier and the apparatus region code that is the same as the combination of the content identifier and the apparatus region code included in the authorization request, and the second piece of distributor information indicating a distributor for a corresponding combination of the content identifier and the disc region code that is the same as the combination of the content identifier and the disc region code included in the authorization request (see at least column 16, lines 14-67 and column 17, lines 1-34).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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19. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Jacob C. Coppola** whose telephone number is **571.270.3922**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

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/Jacob C Coppola/ Examiner, Art Unit 4143

April 7, 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143